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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,076	09/16/2003	Matthew J. Leary	ESI.03	6116
25871	7590	04/03/2007	EXAMINER	
SWANSON & BRATSCHUN L.L.C. 1745 SHEA CENTER DRIVE SUITE 330 HIGHLANDS RANCH, CO 80129			LOHN, JOSHUA A	
			ART UNIT	PAPER NUMBER
			2114	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/03/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)
	10/665,076	LEARY ET AL.
	Examiner Joshua A. Lohn	Art Unit 2114

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 19 January 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 6-13,21,30,33-35,42,45-47 and 52-59 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 6-13,21,30,33-35,42 and 45-47 is/are allowed.
- 6) Claim(s) 52-59 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 16 September 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The indicated allowability of claims 52-59 is withdrawn in view of the newly discovered reference(s) to Jungct et al. and Collomb. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 52-59 rejected under 35 U.S.C. 103(a) as being unpatentable over Jungct et al., United States Patent number 7,032,031, filed May 15, 2001, in view of Collomb, United States Patent Application Publication, 2003/0212778, filed July 16, 2002.

As per claim 52, Jungct discloses *a data processing communications device, comprising: a first interface coupled to exchange data with a data-source off-bus application* (Jungct, col. 35, lines 26-27, where the entering packet is from a data-source off-bus); *a second interface coupled to exchange data with a data-target off-bus application* (Jungct, col. 35, lines 33-34, where the data-target off-bus is the packet destination), *the data-source and data-target off-bus applications exchanging point-to-point communications in a first format* (Jungct, col. 33, lines 58-60, where the messages are point to point communications being transmitted in an acceptable first format); *a translator coupled to a message bus on which messages are exchanged in a second*

format, the translator operable to: receive point-to-point communications in the first format from the first and second interfaces, translate the point-to-point communications into messages of the second format and transmit the messages; and receive messages in the second format, translate messages into point-to-point communications of the first format and transmit the point-to-point communications to at least one of the first and second interfaces (Jungct, col. 8, lines 63-65, where the translation between the first and second format will occur when any transactions need to go from the private network to the general network). Jungct fails to disclose that the second format is used to communicate on a message bus format.

Collomb discloses communicating on a private network using a message bus format (Collomb, ¶61).

It would have been obvious to one of ordinary skill in the art to use the message bus of Collomb in the invention of Jungct.

This would have been obvious because Jungct discloses a desire to support many kinds of clients, including enterprise systems and private networks (Jungct, col. 4, lines 47-67). Collomb discloses the use of such an enterprise system in a private network, which is connected to an outside, more general network (Collomb, ¶61, figure 3). It would have been obvious to include the private network of Collomb in the invention of Jungct to further Jungct's goal of having a wide range of client compatibility.

As per claim 53, Jungct and Collomb further disclose *the device of claim 52, further comprising a control interface coupled to receive control signals to configure the device in an operating mode* (Jungct, col. 41, lines 31-39, where the external device interface is the control interface) *selected from a listen mode* (Jungct, col. 39, lines 63-64, where the logging mode is a listen mode), *an intercept mode* (Jungct, col. 39, lines 54-55, where the capture mode is an intercept mode) *and a pass-through mode* (Jungct, col. 40, line 62 through col. 41, line 5).

As per claim 54, Jungct and Collomb further disclose *the device of claim 53, further comprising a plurality of programmable switching devices responsive to the control signals* (Jungct, col. 33, lines 14-20, where the intercepting device can be a switching device).

As per claim 55, Jungct and Collomb further disclose *the device of claim 54, wherein, when the device is in the listen mode, the plurality of switching devices are configured to permit the point-to-point communications from the data-source off-bus application to the data-target off-bus application to be transmitted substantially unimpeded and to permit the translator to receive and translate the point-to-point communications* (Jungct, col. 39, lines 62-65, where the logging mode merely logs the data and passes it on to be further transmitted).

As per claim 56, Jungct and Collomb further disclose *the device of claim 54, wherein, when the device is in the intercept mode, the plurality of switching devices are configured to permit the translator to receive and translate the point-to-point communications from the data-source off-bus application into the message format without the data-target receiving the point-to-point communications* (Jungct, col. 39,

lines 54-55, where the capturing intercepts a packet and doesn't let it complete transmission).

As per claim 57, Jungct and Collomb further disclose *the device of claim 56, wherein, when the device is in the intercept mode, the plurality of switching devices are configured to permit the translator to receive and translate a message format from the message bus, translate the message format into the point-to-point communications and transmit the point-to-point communications to the data-target application* (Jungct, col. 40, lines 2-11, where the captured packet is transferred to a local device for processing, the packet is then returned and translated back for transmission to the eventual target, and where the local devices use the message bus that requires translation, Collomb, ¶61).

As per claim 58, Jungct and Collomb further disclose *the device of claim 57 further comprising an on-bus application, wherein, when the device is in the intercept mode, the on-bus application is operable to correct an error in the point-to-point communications from the data-source off-bus application* (Jungct, col. 46, lines 55-64, where the error is corrected by removing the faulty packet of data from the transmission).

As per claim 59, Jungct and Collomb further disclose *the device of claim 54, wherein, when the device is in the pass-through mode, the plurality of switching devices are configured to permit the point-to-point communications from the data-source off-bus application to the data-target off-bus application to be transmitted substantially unimpeded and to prohibit the translator from receiving and translating the point-to-point communications* (Jungct, col. 4, line 62, through col. 41, line 5, where the packets are not analyzed unless specifically requested, and are merely forwarded on to their eventual destination).

Allowable Subject Matter

Claims 6-13, 21, 30, 33-35, 42, and 45-47 are allowable.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is provided on form PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua A. Lohn whose telephone number is (571) 272-3661. The examiner can normally be reached on M-F 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Baderman can be reached on (571) 272-3644. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Joshua A Lohn
Patent Examiner
Art Unit 2114